

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 4:21-cr-00028-GAF-1

ABRAHAM GALLEGOS,

Defendant.

DEFENDANT’S MOTION TO UNSEAL WARRANT

COMES NOW Defendant, by and through counsel David J. Grummon, and hereby moves this Honorable Court to unseal the pending probation violation warrant in the above-captioned case. In support of this Motion, Defendant states as follows:

1. On November 3, 2014, Defendant was sentenced in Western District of Kentucky Case No.: 3:13-cr-00174 to 108 months imprisonment with the Federal Bureau of Prisons (BOP) and five years of supervised release.

2. On February 4, 2021, finding “extraordinary and compelling reasons,” and finding that Defendant had served 85 months of a 93-month sentence (when good time was included in the calculus), the United States District Court Judge for the Western District of Kentucky granted Defendant’s Motion for Reconsideration for Reduction of Sentence (Compassionate Release) and placed Defendant on supervised release for a term of five years pursuant to conditions previously imposed by that Court.¹

3. From January 7, 2021 until his arrest on August 26, 2022, Defendant was under supervised release in the above-captioned case with the U.S. Probation Office in

¹ See Order Granting Motion for Reconsideration for Reduction of Sentence, WDKY Case No.: 3:13-cr-00174, Document 287, (filed January 6, 2021)

Western District of Missouri, with jurisdiction having been transferred from the Western District of Kentucky.

4. On the morning of August 26, 2022, members of the ATF Kansas City Field Division arrested Defendant for new charges under the United States District Court for the District of Kansas Case Number 2:22-cr-20032-DDC-3.

5. After Defendant filed his Motion to Set Conditions of Release Before Trial on November 10, 2023, parties were subsequently advised by pretrial services that a sealed probation violation warrant existed for the above-captioned case in the Western District of Missouri.

6. In her December 20, 2023 Detention Order, effectively denying Defendant's Motion to Set Conditions of Release Before Trial, U.S. District of Kansas Magistrate Judge Angel D. Mitchell listed various factors which she considered in her Detention Order, but made clear that the existence of the probation violation warrant in the above-captioned case weighed very heavily against granting Defendant the relief he sought.²

7. Given that the existence of this warrant is known to all parties in both jurisdictions—even being openly cited by a Court as a key reason to deny Defendant the relief he sought—Defendant avers that the seal on the pending probation violation warrant in the above-captioned case no longer serves any useful purpose for either court or any of the parties.

8. The Government has advised defense counsel it does not oppose this motion to unseal the pending probation violation warrant in the above-captioned case.

² See Detention Order, USDKS Case No. 2:22-cr-20032-DDC-3, Document 126, (December 20, 2023)

WHEREFORE, for the reasons stated above, Defendant moves this Honorable Court to unseal the pending probation violation warrant in the above-captioned case.

Respectfully submitted,

s/ David J. Grummon
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Certificate of Service

I hereby certify that on April 22, 2024, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system which will send a notice of electronic filing to the following:

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